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MAY 17 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

RICK D. RHODES
(202) 728-0401 Ext. 113

May 6, 1996

ORIGINAL

Mr. William F. Caton
Office of the Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: PR Docket No. 93-144
Notice of Ex Parte Contact

Dear Mr. Caton:

In accordance with the Commission's rules, this will provide notice that a written presentation concerning the above-captioned proceeding was prepared by the South Carolina Public Service Commission and subsequently forwarded to Chairman Reed Hundt on or about May 17, 1996. A copy of the presentation item is attached for the Commission's files.

This presentation was made at the request of Duke Power Company. The points raised in this item substantially reflect the positions taken in commentary filed on behalf of Duke Power at earlier stages of this docket proceeding. It is believed that this correspondence is complete and in proper order for its intended purpose; however, should questions arise concerning this matter please contact the undersigned.

Sincerely,



Rick D. Rhodes

Enclosure

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State of South Carolina



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Public Service Commission

May 14, 1996

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Reed Hundt, Chairman
Federal Communications Commission
1919 M St., N.W., Room 814
Washington, D.C. 20554

IN RE: 800 MHZ FREQUENCY REALLOCATIONS PR DOCKET NO.
93-144

Dear Chairman Hundt:

We wish to express our reservations about action being taken by the Federal Communications Commission concerning 800 MHz radio spectrum. This matter was brought to our attention by Duke Power Company, an electric utility which serves large areas of our State and is under this Commission's regulatory jurisdiction. It is our understanding that the FCC plans to reallocate a significant portion of spectrum from this band, from private to commercial uses, to award licenses in the band by auction, and to allow commercial auction winners to force incumbent users of the band to relocate to other channels.

Frequencies in the 800 MHz band have been used successfully for many years to provide, among other things, safety-oriented critical services for public utilities. While the need to enhance federal revenues and the benefits of expanding commercial enterprises are understandable, we question whether these benefits justify selecting for reallocation, channels which have been critical in facilitating the safe and efficient provision of electric power and other public utility services for many years.

We understand that Duke Power has invested millions of dollars constructing a large-scale dedicated telecommunications system which covers the company's entire service area with the kind of highly-reliable grade of service necessary to meet the responsibilities

The Honorable Reed Hundt
May 14, 1996
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of a public utility. This system has proven critical to Duke for the rapid and efficient restoration of power outages, as well as for handling situations such as downed power lines which may present a public safety hazard. It has proven invaluable during natural disasters, such as occurred in the aftermath of Hurricane Hugo, and in the major ice storm emergencies during the winter of 1995.

Our Commission is responsible for ensuring that the provision of basic utility services to the public is performed safely and efficiently under all conditions. In this regard, Duke has an outstanding record. We believe that this record has been made possible, in significant part, through the telecommunications capabilities made possible to Duke through exclusive 800 MHz spectrum assignments. We do not believe it is in the public interest for Duke to suffer any interruption of its telecommunications capabilities

Therefore, we respectfully request that the FCC either continue to maintain dedicated spectrum for systems such as Dukes or that a transition plan, in full accordance with Comments filed at the FCC by Duke, be established which will provide the necessary safeguards to ensure that the proposed reallocation will create no negative impact on the public welfare. Any interruption in the Duke system could prove to be a serious detriment to the public. Duke's system is complex and cannot simply be moved to other channels on a random basis or reconstructed in a piecemeal manner, because of the number of channels involved and the site-interdependent re-use of channels within the telecommunications system. We would also be uncomfortable if Duke were forced to purchase service from, and have to rely on, the facilities of a commercial carrier.

We are advised that Rick D. Rhodes, Communication Counsel for Duke Power Company, has undertaken responsibility for complying with the FCC's ex parte rules, therefore we are providing him with a copy of this correspondence.

The Honorable Reed Hundt

May 14, 1996

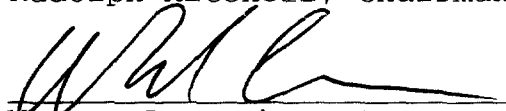
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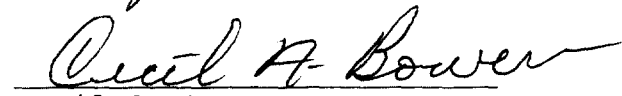
Thank you for your consideration of our views in this matter. We look forward to hearing from you at your earliest convenience with regard to the concerns discussed herein.

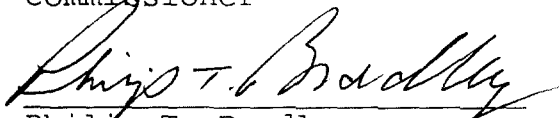
Respectfully submitted,

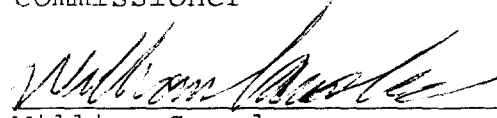

Rudolph Mitchell, Chairman

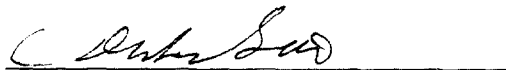

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c: Rick D. Rhodes, Esquire
Duke Power Company

CERTIFICATE OF SERVICE

I, Vanessa N. Duffy, hereby certify that on this 17th day of May, 1996, copies of the foregoing "Notice of Ex Parte Contact" have been served by first-class U.S. mail, postage pre-paid, upon the following:

The Honorable James H. Quello
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

The Honorable Rachelle B. Chong
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

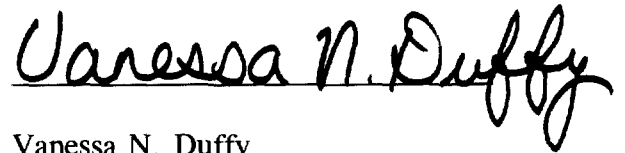
The Honorable Susan Ness
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

The Honorable Reed Hundt
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

Michelle Farquhar, Esq.
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D'wana Speight, Esq.
Legal Advisor
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A handwritten signature in black ink that reads "Vanessa N. Duffy". The signature is written in a cursive style with a horizontal line underneath the name.

Vanessa N. Duffy